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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
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Forty-sixth session
Agenda item 17 (b)

PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS: HUMAN RIGHTS AND DISABILITY

Mr. El-Hajjé: draft resolution

Human rights and disability

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1993/22 of 20 August 1993 and the reference therein to the 1993 Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, which reaffirm that persons with disabilities should be guaranteed equal opportunity through the elimination of all barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society,

Noting the report prepared by the Secretary-General (E/CN.4/Sub.2/1994/35) pursuant to the request of the Sub-Commission in resolution 1993/22 for information on the coordination endeavours, and their results, undertaken by the various United Nations organs and bodies concerned with the protection of disabled persons and the discussion in that report of

monitoring work expected to be undertaken by both the new special rapporteur and the Commission for Social Development, regarding the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex),

Noting also that the Commission on Human Rights, in its resolution 1994/27 of 4 March 1994, reaffirmed its commitment to ensuring that the rights of persons with disabilities and their concern for full participation in community affairs continue to be addressed in all of its work,

Recognizing that the Standard Rules do not contain legal clauses that obligate States to respect pertinent provisions of the International Bill of Human Rights and other human rights instruments, such as the Convention on the Rights of the Child,

Mindful of the Sub-Commission's continuing responsibility, under Commission on Human Rights resolution 8 (XXIII) and Economic and Social Council resolution 1235 (XLII), to study, each year, situations which reveal a consistent pattern of violations of human rights and fundamental freedoms set out in the International Bill of Human Rights and in pertinent United Nations treaties,

Mindful also of the disturbing accuracy of Mr. Leandro Despouy's prediction in his report entitled Human Rights and Disabled Persons (United Nations publication, Sales No. E.92.XIV.4, para. 280) that, at the conclusion of the Decade of Disabled Persons, those persons will find themselves at a disadvantage in relation to other vulnerable groups such as refugees, women and migrant workers,

1. Requests the Secretary-General to report in 1995 to the Sub-Commission regarding coordination endeavours which affect disabled persons, with emphasis on activities of the other United Nations organizations and bodies that deal with alleged violations of the legal obligations of States under the International Bill of Human Rights and United Nations treaties that protect disabled persons;

2. Also requests the Secretary-General, in response to the concern of the General Assembly expressed in resolution 48/99 of 20 December 1993 regarding the need to give higher priority and visibility to disability issues, to help ensure, first, a wider distribution of Mr. Leandro Despouy's report entitled Human Rights and Disabled Persons (United Nations publication, Sales No. E.92.XIV.4) and,

second, an expanded discussion of juridical aims that might be achieved were there appropriate exercise of the Ombudsman function briefly described in that report (para. 281 (b));

3. Decides to remain seized of the question and to consider it at its forty-seventh session under the agenda item entitled "Review of further developments in fields with which the Sub-Commission has been concerned".

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Agenda item 16

CONTEMPORARY FORMS OF SLAVERY

Mr. Alfonso Martínez, Mr. Eide, Mr. El-Hajjé, Mr. Guissé, Mr. Hakim, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer: draft resolution

1994/... Report of the Working Group on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its nineteenth session (E/CN.4/Sub.2/1994/33 and Corr.1), and in particular the recommendations contained in chapter VI,

Deeply concerned at the information it contains relating to the traffic in persons and the exploitation of the prostitution of others, the sale of children, child prostitution and child pornography, the exploitation of child labour, debt bondage, the removal of organs and slavery-like practices such as the phenomenon of child soldiers,

Noting that the status of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 19[illegible]nd the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 is still unsatisfactory,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for its valuable work and in particular for its continued broad approach and flexible methods of work;

I. SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

A. Special Rapporteur on the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes

2. Warmly thanks the Special Rapporteur on the sale of children, child prostitution and child pornography for his participation in the nineteenth session of the Working Group and for his comprehensive intervention;

3. Takes note of the information on these problems submitted by the participants at the nineteenth session of the Working Group, and requests the Centre for Human Rights to transmit the information to the Special Rapporteur, along with the recommendations relating to his mandate;

4. Requests the Special Rapporteur, within the framework of his mandate, to continue to pay attention to issues relating to trafficking in children, such as organ transplantation, disappearances, the purchase and sale of children, adoptions for commercial purposes or exploitation and child prostitution;

5. Invites the Special Rapporteur to participate in the twentieth session of the Working Group;

B. Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

6. Requests the Secretary-General to invite States to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and to submit a report thereon to the Sub-Commission at its forty-seventh session and to the Commission at its fifty-second session;

7. Encourages all Governments to consider, in the context of the Programme of Action, the creation of programmes aimed at the social rehabilitation of all victims of trafficking, prostitution and pornography, in particular children;

C. Removal of organs from children

8. Requests the Secretary-General to invite again all Governments, United Nations organizations and bodies, including the United Nations

Children's Fund, the specialized agencies, in particular the World Health Organization, the International Criminal Police Organization and all relevant non-governmental organizations to pursue their investigation of allegations that children are victims of, or are even killed for, the removal of organs for the purposes of commercial transplants and to indicate any measures taken to counteract this practice wherever it exists, and to present a report to the Working Group at its next session;

9. Decides to continue to examine this matter in depth at its forty-seventh session and in particular to consider the advisability of drafting United Nations standards to ensure protection against unlawful organ transplants;

II. ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR

10. Decides to transmit the report of the Secretary-General on the state of implementation of the Programme of Action on the Elimination of the Exploitation of Child Labour (E/CN.4/Sub.2/1994/34) to the Commission on Human Rights for its consideration;

11. Recommends that the Commission at its fifty-first session endorse the recommendation of the Sub-Commission, contained in its resolution 1993/5 of 5 August 1993, to appoint Mrs. H.E. Warzazi as Special Rapporteur on the exploitation of child labour and debt bondage, having regard to the importance of this study;

12. Urges all States, while attempting to eliminate ultimately the phenomenon of child labour, to adopt measures and regulations to protect child labourers and to ensure that their labour is not exploited.

III. ERADICATION OF DEBT BONDAGE

13. Takes note with satisfaction of the promulgation by States of laws against debt bondage and appeals to the Governments concerned to adopt all measures to implement such laws;

14. Recommends that the specialized agencies and in particular the financial institutions of the United Nations system ensure that the projects they support do not use or in any way promote bonded labour;

IV. CHILD SOLDIERS

15. Requests the Secretary-General to transmit to the expert appointed pursuant to General Assembly resolution 48/157 of 20 December 1993 the report of the Working Group and any other information made available on this issue;

V. PREVENTION OF TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

16. Recommends that the Commission on Human Rights take into consideration at its fifty-first session and eventually adopt the draft programme of action for the prevention of trafficking in persons and exploitation of the prostitution of others;

17. Requests the Secretary-General to appeal to the World Tourism Organization to inscribe on the agenda for its next conference an item on sex tourism and its development;

18. Recommends that Governments restrict advertising which encourages sex tourism, and encourages them to establish specific projects for the protection of the victims of traffic in persons and of prostitution from the risk of contamination with the HIV virus and the spread of AIDS;

19. Urges States to introduce and reinforce education programmes alerting children to the risks of sexual exploitation and the consequences for individuals and for society of such exploitation;

20. Recommends that States take urgent measures designed to protect minors from exposure to or involvement in child pornography, and requests the Secretary-General to invite States to provide information on measures taken or already applicable in this regard;

21. Also recommends that national bodies for the prevention of prostitution be established in all States in order to assist in the rehabilitation and reintegration of victims of prostitution;

VI. MIGRANT WORKERS

22. Urges States to ratify the convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

23. Strongly condemns practices of unequal treatment of migrant workers and the denial to them of minimum human consideration and dignity;

24. Recommends to non-governmental organizations, in the framework of their activities, to give attention to the grave problems affecting migrant workers and to provide information to the Working Group in this regard;

VII. INCEST

25. Welcomes the decision of the Working Group to include this item in its agenda for the twentieth session and to consider ways to combat incest and the sexual abuse of children inside the family, and urges that adequate help be offered to victims of such practices;

26. Urges Member States to take adequate steps to punish suitably the perpetrators of this most heinous offence;

VIII. FORCED LABOUR

27. Considers that forced labour is a contemporary form of slavery;

28. Welcomes the decision of the Working Group to include this item in the provisional agenda of its twentieth session;

IX. MISCELLANEOUS

29. Decides to transmit the information received concerning the sexual exploitation of women and other forms of forced labour during wartime to the Special Rapporteurs on the question of the impunity of perpetrators of violations of human rights, and recommends that the Special Rapporteurs take into consideration the information on this question received by the Working Group during its nineteenth session;

30. Approves the timetable for the twentieth session proposed by the Working Group (E/CN.4/Sub.2/1994/33, chap. VI.B, recommendation 8);

31. Requests the Secretary-General to seek the views and suggestions of Member States and of intergovernmental and non-governmental organizations on proposals for future action of the Working Group with a view to the consideration of their replies by the Working Group at its forthcoming sessions;

32. Appeals to all Governments to send representatives to the meetings of the Working Group;

33. Encourages youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

34. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining

periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and to include in their guidelines an item concerning contemporary forms of slavery;

35. Also recommends that the supervisory bodies of the International Labour Organisation and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

36. Requests the Secretary-General to transmit to the committees mentioned above, the Special Rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights the recommendations of relevance to them contained in the report of the Working Group;

37. Welcomes the decision of the Secretary-General to reassign to the Working Group a Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Centre for Human Rights on issues relating to contemporary forms of slavery, prepare documentation well in advance and facilitate the attendance at the Working Group's sessions of the largest possible number of intergovernmental and non-governmental organizations with competence in the fields examined;

38. Again requests the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities and the dissemination of information within the United Nations system for the suppression of contemporary forms of slavery and to report on the measures taken for that purpose to the Commission on Human Rights at its fifty-first session and to the Working Group at its twentieth session;

39. Notes that the Economic and Social Council, in its resolution 1993/48 of 28 July 1993, approved the endorsement by the Commission on Human Rights of

the recommendation made by the Sub-Commission in its resolution 1992/2 of 14 August 1992 that arrangements regarding the organization of the sessions of the Working Group on Contemporary Forms of Slavery, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years;

40. Recommends that the Commission make provision for adequate discussion of the issue of contemporary forms of slavery and of the Working Group's report near the beginning of each session, thereby strengthening its involvement in the activities of the Working Group on Contemporary Forms of Slavery.

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Agenda item 16

CONTEMPORARY FORMS OF SLAVERY

Mr. Alfonso Martínez, Mr. Eide, Mr. Guissé, Mr. Hakim,
Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi
and Mr. Yimer: draft resolution

United Nations Trust Fund on Contemporary Forms of Slavery,

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolution 46/122 of 17 December 1991,

Taking into account the recommendation made by the Working Group on Contemporary Forms of Slavery at its nineteenth session (E/CN.4/Sub.2/1994/33, pp. 30-31),

1. Thanks the representative of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery for his constructive participation in the proceedings of the Working Group;

2. Appeals to all Governments, governmental and non-governmental organizations, private institutions and individuals to respond favourably to requests for contributions to the Fund, and urges them to publicize the establishment and function of the Fund, so as to increase general awareness of its existence;

3. Considers it essential, in order to make the Trust Fund more effective, that the General Assembly consider amending the criteria for the Fund contained in its resolution 46/122 of 17 December 1991, in order to clarify the purposes of the Fund by reprioritizing them and, consequently, to reprioritize the potential beneficiaries, by reversing the order of subparagraphs 1 (e) (i) and 1 (e) (ii) of resolution 46/122;

4. Recommends that the Commission on Human Rights endorse the recommendation of the Sub-Commission described in paragraph 3 of the present resolution;

5. Requests the Secretary-General to study ways and means to draw the attention of potential donors to the important role played by the Fund and to mention on the list of donors both public and private donors;

6. Invites a representative of the Fund to attend the twentieth session of the Working Group.

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CONTEMPORARY FORMS OF SLAVERY

Mr. Alfonso Martínez, Mr. Eide, Mr. El-Hajjé, Mr. Guissé, Mr. Hakim, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Mrs. Warzazi and Mr. Yimer: draft resolution

Machinery for monitoring the international conventions on slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1993/7 of 20 August 1994,

Noting paragraphs 3, 4, 5 and 6 of Commission on Human Rights resolution 1994/25 of 4 March 1994,

1. Recommends the following draft decision to the Commission on Human Rights for adoption:

"The Commission on Human Rights, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1994/.. of .. August 1994, decides that the Working Group on Contemporary Forms of Slavery should continue its work and that for the purpose of reviewing the implementation of the conventions on slavery, authorizes the Working Group to request information from Member States with a view to formulating concrete recommendations; also decides: to

authorize the Working Group to cooperate with the Governments concerned in the review and evaluation of ways and means to eradicate slavery in all its forms and to request contributions to the work of the Working Group from experts of the United Nations Children's Fund, the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the International Criminal Police Organization; to authorize the Sub-Commission to appoint the members of the Working Group for a period of three years; and to examine this matter at regular intervals to verify the efficiency of the mechanism proposed."

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Agenda item 10

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

Mr. Bossuyt, Ms. Chavez, Mrs. Daes, Mr. Eide, Mr. Fan, Mr. Gwanmesia, Mr. Maxim, Ms. Palley, Ms. Warzazi and Mr. Yimer: draft resolution

Right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling resolution 1994/35 of 4 March 1994 of the Commission on Human Rights in which the Commission recommended that the Sub-Commission, in conformity with Sub-Commission resolution 1993/29 of 25 August 1993, take measures to examine the basic principles and guidelines proposed by the Special Rapporteur, Mr. Theo van Boven, in his study on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms (E/CN.4/Sub.2/1993/8) with a view to making proposals thereon and report to the Commission,

Noting with interest the report of the Secretary-General prepared pursuant to Sub-Commission resolution 1993/29 (E/CN.4/Sub.2/1994/7 and Add.1) containing comments on the proposed basic principles and guidelines received from States, intergovernmental organizations and non-governmental organizations,

Noting also the report of its sessional working group on the administration of justice and the question of compensation (E/CN.4/Sub.2/1994/22) and the preliminary consideration given by the sessional working group to the proposed basic principles and guidelines,

1. Decides to continue the consideration of the proposed basic principles and guidelines at its forty-seventh session with a view to making substantive progress in the matter;

2. Requests the Secretary-General to invite States and competent intergovernmental and non-governmental organizations which have not yet done so to submit their comments on the proposed basic principles and guidelines.

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Agenda item 19

FREEDOM OF MOVEMENT

Mr. Bossuyt, Ms. Chavez, Mr. Eide, Mr. El-Hajjé, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Hatano, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer: draft resolution

1994/... The right to freedom of movement

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the right of everyone lawfully within the territory of a State to liberty of movement and freedom to choose his residence, and the prohibition of arbitrary deprivation of the right to enter one's own country as set out in article 12 of the International Covenant on Civil and Political Rights and article 13 of the Universal Declaration of Human Rights,

Recognizing that practices of forcible exile, mass expulsions and deportations, population transfer, "ethnic cleansing" and other forms of forcible displacement of populations within a country or across borders deprive the affected populations of their right to freedom of movement,

Noting that policies of forcible displacement are one of the major causes of flows of refugees and internally displaced persons,

Concerned that more than 20 million refugees and even larger and growing numbers of internally displaced persons exist worldwide,

1. Affirms the right of persons to remain in peace in their own homes, on their own lands and in their own countries;

2. Also affirms the right of refugees and displaced persons to return, in safety and dignity, to their country of origin and/or within it, to their place of origin or choice;

3. Urges Governments and other actors involved to do everything possible in order to cease at once all practices of forced displacement, population transfer and ethnic cleansing in violation of international legal standards;

4. Decides to include under the agenda item entitled "Freedom of movement" a sub-item relating to questions of displacement entitled "Population displacement" and to keep under constant review respect for the right to freedom of movement, including the right to remain and to return.

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Forty-sixth session
Agenda item 8

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Mr. Eide, Mr. Hatano, Mr. Maxim, Ms. Palley and Mr. Yimer:
draft resolution

Measures towards the full realization of economic, social and cultural rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the provisions of the Charter which establish that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights for all,

Conscious that the Universal Declaration of Human Rights provides that everyone is entitled to realization of the economic, social and cultural rights indispensable for his dignity and the free development of his personality,

Recalling Commission on Human Rights resolutions 1994/11, 1994/12, 1994/14, 1994/20, 1994/21 and 1994/65,

Mindful of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, in which the need is underlined for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Reaffirming the interdependence and indivisibility of civil, cultural, economic, political and social human rights and that the promotion and protection of any of these rights should never exempt or excuse States from the promotion and protection of the other rights,

Emphasizing the need to secure, within the shortest possible time-frame, the full respect and enjoyment of the rights contained in the International Covenant on Economic, Social and Cultural Rights, with particular emphasis on the rights of the most vulnerable and disadvantaged,

Welcoming the decisions of the General Assembly to convene the World Summit for Social Development in 1995 and the United Nations Conference on Human Settlements (Habitat II) in 1996, both of which can provide a means of further strengthening economic, social and cultural rights and of expediently promoting the full realization of these rights,

Recalling the four reports of the Special Rapporteur on the realization of economic, social and cultural rights, Mr. Danilo Türk, in particular the recommendations contained in his final report (E/CN.4/Sub.2/1992/16, paras. 202-246),

Welcoming the working paper (E/C.12/1994/WP.9) submitted by the Advisory Services Programme of the Centre for Human Rights to the Committee on Economic, Social and Cultural Rights, at its tenth session, held in May 1994, outlining measures taken by the Advisory Services Programme relating to economic, social and cultural rights,

Taking note of Sub-Commission document E/CN.4/Sub.2/1994/11 which addresses impunity in the context of economic, social and cultural rights,

Welcoming the valuable work carried out by the Committee on Economic, Social and Cultural Rights and the Working Group on the Right to Development,

Convinced of the need, throughout the United Nations human rights programme, substantially to increase attention to and to undertake activities on economic, social and cultural rights with a view to promoting the full realization of these rights,

Aware that many of the activities outlined in earlier resolutions on economic, social and cultural rights by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities have yet to be carried out or completed,

Recalling its resolutions 1991/27 and 1992/29;

1. Welcomes the efforts of the Secretary-General to publish in one document the compiled reports of the Special Rapporteur on the realization of economic, social and cultural rights, Mr. Danilo Türk;

2. Also welcomes the favourable reply by the World Bank to the request made by the Commission on Human Rights in its resolutions 1993/14 and 1994/20 to consider convening an expert seminar on the role of this institution in the realization of economic, social and cultural rights, and encourages the World Bank to ensure the wide participation of human rights experts in the seminar, including representatives of non-governmental organizations;

3. Urges the international financial institutions, in particular the World Bank and the International Monetary Fund, to bear in mind the impact of their policies and programmes on the realization of economic, social and cultural rights;

4. Encourages the United Nations Children's Fund, the United Nations Development Programme, the regional commissions, the United Nations Centre for Human Settlements (Habitat), the World Bank, the International Monetary Fund, the World Trade Organization and other relevant international programmes and agencies to integrate human rights concerns into their respective mandates, to cooperate with the Centre for Human Rights, and to assist the Centre for Human Rights in devising a consistent approach to the selection and use of indicators in the field of human rights for assessing the enjoyment of economic, social and cultural rights;

5. Invites the Preparatory Committee for the World Summit for Social Development, to be held at Copenhagen in 1995, to give due emphasis to economic,

social and cultural rights, and in particular to the International Covenant on Economic, Social and Cultural Rights, in developing general principles and guidelines and the plan of action of the Summit and to respond favourably to the offer by the Committee on Economic, Social and Cultural Rights to act as the monitoring body for the plan of action arising from the Summit;

6. Also invites the Preparatory Committee for the United Nations Conference on Human Settlements (Habitat II), to be held in 1996, to give due emphasis to economic, social and cultural rights, in particular the right to adequate housing, in developing general principles and guidelines and the plan of action of the Summit;

7. Requests the Commission on Human Rights to:

(a) Consider the desirability of appointing thematic rapporteurs entrusted with investigating specific economic, social and cultural rights, in particular the right to adequate housing and human rights and the environment, especially in view of the substantial non-realization of these and other economic, social and cultural rights;

(b) Examine the work carried out by the Committee on Economic, Social and Cultural Rights concerning the adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights granting individuals and groups the right to submit communications alleging non-compliance by States parties, whether by act or omission, with the provisions of the Covenant and to forward its specific views to the Committee as to the contents of such an optional protocol;

(c) Consider explicitly requesting each country rapporteur to include a specific reference to the enjoyment of economic, social and cultural rights in their reports and to develop guidelines for use by country rapporteurs in this regard;

(d) Request the High Commissioner for Human Rights to take into full consideration economic, social and cultural rights in carrying out his mandate;

(e) Request the international financial institutions, in particular the World Bank, the International Monetary Fund and the World Trade Organization, to develop independent mechanisms designed to ensure that international human rights standards are taken fully into account in the adoption of all relevant policies,

projects and practices and that these standards are fully respected in this regard;

8. Requests the Secretary-General to:

(a) Complete the preparation of basic policy guidelines on structural adjustment and economic, social and cultural rights, based on the principles of international human rights law and which could serve as a basis for continued dialogue between the United Nations human rights programme and the international financial institutions of the United Nations, in particular the World Bank and the International Monetary Fund;

(b) Continue efforts towards the development of policy guidelines relating to economic, social and cultural rights;

(c) Also continue the survey of the legislative recognition of economic, social and cultural rights, and in this context, make concrete proposals as to the need for further standard-setting in the field of economic, social and cultural rights, and take into account the draft international convention on housing rights contained in the second progress report of the Special Rapporteur on promoting the realization of the right to adequate housing (E/CN.4/Sub.2/1994/20, chap. IX) and the draft declaration of principles on human rights and the environment contained in the final report of the Special Rapporteur on human rights and the environment (E/CN.4/Sub.2/1994/9, annex 1);

(d) Consider the possibility of convening expert seminars, in accordance with Commission on Human Rights resolution 1994/20, focused on specific economic, social and cultural rights, including (i) the right to work; (ii) the right to social security; (iii) the right to housing; (iv) the right to food; (v) the right to health; (vi) the right to education; and (vii) the right to culture, with a view to clarifying the particular content of these rights and elaborating universally relevant policy guidelines for each of these rights based on international human rights law;

(e) Consider, as a matter of priority, increasing the number of staff of the Centre for Human Rights with practical expertise in the area of economic, social and cultural rights, and in this regard, also consider the establishment of a section devoted exclusively to activities on and the promotion of economic, social and cultural rights, including the right to development, within the Centre for Human Rights;

(f) Develop the capacity necessary for carrying out training sessions for States, United Nations specialized and other agencies and programmes and non-governmental organizations on economic, social and cultural rights;

(g) Prepare for its consideration at its forty-seventh session a background document examining the relationship between the enjoyment of international labour and trade union rights and the working methods and activities of transnational corporations;

9. Decides to consider progress made on implementing the present resolution at its forty-seventh session under the agenda item entitled "Economic, social and cultural rights".

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Forty-sixth session
Agenda item 8

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Mr. Eide, Mr. Hatano, Mr. Maxim, Ms. Palley and Mr. Yimer:
draft resolution

Measures towards the full realization of economic, social and cultural rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the provisions of the Charter which establish that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights for all,

Conscious that the Universal Declaration of Human Rights provides that everyone is entitled to realization of the economic, social and cultural rights indispensable for his dignity and the free development of his personality,

Recalling Commission on Human Rights resolutions 1994/11, 1994/12, 1994/14, 1994/20, 1994/21 and 1994/65,

Mindful of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, in which the need is underlined for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Reaffirming the interdependence and indivisibility of civil, cultural, economic, political and social human rights and that the promotion and protection of any of these rights should never exempt or excuse States from the promotion and protection of the other rights,

Emphasizing the need to secure, within the shortest possible time-frame, the full respect and enjoyment of the rights contained in the International Covenant on Economic, Social and Cultural Rights, with particular emphasis on the rights of the most vulnerable and disadvantaged,

Welcoming the decisions of the General Assembly to convene the World Summit for Social Development in 1995 and the United Nations Conference on Human Settlements (Habitat II) in 1996, both of which can provide a means of further strengthening economic, social and cultural rights and of expediently promoting the full realization of these rights,

Recalling the four reports of the Special Rapporteur on the realization of economic, social and cultural rights, Mr. Danilo Türk, in particular the recommendations contained in his final report (E/CN.4/Sub.2/1992/16, paras. 202-246),

Welcoming the working paper (E/C.12/1994/WP.9) submitted by the Advisory Services Programme of the Centre for Human Rights to the Committee on Economic, Social and Cultural Rights, at its tenth session, held in May 1994, outlining measures taken by the Advisory Services Programme relating to economic, social and cultural rights,

Taking note of Sub-Commission document E/CN.4/Sub.2/1994/11 which addresses impunity in the context of economic, social and cultural rights,

Welcoming the valuable work carried out by the Committee on Economic, Social and Cultural Rights and the Working Group on the Right to Development,

Convinced of the need, throughout the United Nations human rights programme, substantially to increase attention to and to undertake activities on economic, social and cultural rights with a view to promoting the full realization of these rights,

Aware that many of the activities outlined in earlier resolutions on economic, social and cultural rights by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities have yet to be carried out or completed,

Recalling its resolutions 1991/27 and 1992/29;

1. Welcomes the efforts of the Secretary-General to publish in one document the compiled reports of the Special Rapporteur on the realization of economic, social and cultural rights, Mr. Danilo Türk;

2. Expresses the hope that the international financial institutions will respond favourably to the request made by the Commission on Human Rights in its resolutions 1993/14 and 1994/20 to consider convening an expert seminar on the role of these institutions in the realization of economic, social and cultural rights, and encourages the international financial institutions to ensure the wide participation of human rights experts in the seminar, including representatives of non-governmental organizations;

3. Urges the international financial institutions, in particular the World Bank and the International Monetary Fund, to bear in mind the impact of their policies and programmes on the realization of economic, social and cultural rights;

4. Encourages the United Nations Children's Fund, the United Nations Development Programme, the regional commissions, the United Nations Centre for Human Settlements (Habitat), the World Bank, the International Monetary Fund, the World Trade Organization and other relevant international programmes and agencies to integrate human rights concerns into their respective mandates;

5. Invites the Preparatory Committee for the World Summit for Social Development, to be held at Copenhagen in 1995, to give due emphasis to economic, social and cultural rights, and in particular to the International Covenant on Economic, Social and Cultural Rights, in developing general principles and guidelines and the plan of action of the Summit and to respond favourably to the

offer by the Committee on Economic, Social and Cultural Rights to act as the monitoring body for the plan of action arising from the Summit;

6. Also invites the Preparatory Committee for the United Nations Conference on Human Settlements (Habitat II), to be held in 1996, to give due emphasis to economic, social and cultural rights, in particular the right to adequate housing, in developing general principles and guidelines and the plan of action of the Summit;

7. Requests the Commission on Human Rights to:

(a) Consider the desirability of appointing thematic rapporteurs entrusted with investigating specific economic, social and cultural rights, in particular the right to adequate housing and human rights and the environment, especially in view of the substantial non-realization of these and other economic, social and cultural rights;

(b) Examine the work carried out by the Committee on Economic, Social and Cultural Rights concerning the adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights granting individuals and groups the right to submit communications alleging non-compliance by States parties, whether by act or omission, with the provisions of the Covenant and to forward its specific views to the Committee as to the contents of such an optional protocol;

(c) Consider explicitly requesting each country rapporteur to include a specific reference to the enjoyment of economic, social and cultural rights in their reports and to develop guidelines for use by country rapporteurs in this regard;

(d) Request the High Commissioner for Human Rights to take into full consideration economic, social and cultural rights in carrying out his mandate;

(e) Request the international financial institutions, in particular the World Bank, the International Monetary Fund and the World Trade Organization, to develop independent mechanisms designed to ensure that international human rights standards are taken fully into account in the adoption of all relevant policies, projects and practices and that these standards are fully respected in this regard;

8. Requests the Secretary-General to:

(a) Complete the preparation of basic policy guidelines on structural adjustment and economic, social and cultural rights, based on the principles of international human rights law and which could serve as a basis for continued dialogue between the United Nations human rights programme and the international financial institutions of the United Nations, in particular the World Bank and the International Monetary Fund;

(b) Continue efforts towards the development of policy guidelines relating to economic, social and cultural rights;

(c) Also continue the survey of the legislative recognition of economic, social and cultural rights, and in this context, make concrete proposals as to the need for further standard-setting in the field of economic, social and cultural rights, and take into account the draft international convention on housing rights contained in the second progress report of the Special Rapporteur on promoting the realization of the right to adequate housing (E/CN.4/Sub.2/1994/20, chap. IX) and the draft declaration of principles on human rights and the environment contained in the final report of the Special Rapporteur on human rights and the environment (E/CN.4/Sub.2/1994/9, annex 1);

(d) Consider the possibility of convening expert seminars, in accordance with Commission on Human Rights resolution 1994/20, focused on specific economic, social and cultural rights, including (i) the right to work; (ii) the right to social security; (iii) the right to housing; (iv) the right to food; (v) the right to health; (vi) the right to education; and (vii) the right to culture, with a view to clarifying the particular content of these rights and elaborating universally relevant policy guidelines for each of these rights based on international human rights law;

(e) Consider, as a matter of priority, increasing the number of staff of the Centre for Human Rights with practical expertise in the area of economic, social and cultural rights, and in this regard, also consider the establishment of a section devoted exclusively to activities on and the promotion of economic, social and cultural rights, including the right to development, within the Centre for Human Rights;

(f) Develop the capacity necessary for carrying out training sessions for States, United Nations specialized and other agencies and programmes and non-governmental organizations on economic, social and cultural rights;

(g) Prepare for its consideration at its forty-seventh session a background document examining the relationship between the enjoyment of human rights, in particular, international labour and trade union rights and the working methods and activities of transnational corporations;

9. Decides to consider progress made on implementing the present resolution at its forty-seventh session under the agenda item entitled "Economic, social and cultural rights".

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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mrs. Daes, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Hatano, Mr. Joinet, Mr. Khan, Mr. Limón Rojas and Ms. Palley: draft resolution

1994/... The situation of the Greek ethnic minority in Albania: infringement of the rules for a fair trial

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as well as the Basic Principles on the Independence of the Judiciary,

Recalling in particular the provisions of articles 3, 5, 6, 7, 8, 9, 10 and 11 of the Universal Declaration of Human Rights, articles 6, 7, 9, 10, 14, 15, 16 and 17 of the International Covenant on Civil and Political Rights and

the relevant provisions of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Disturbed by the alleged violation of human rights and persecution of members of the Greek ethnic minority in Albania,

Noting with satisfaction the efforts by the High Commissioner for Minorities of the Conference on Security and Cooperation in Europe to facilitate a solution to the conflict,

1. Calls upon the Government of Albania to abide by the relevant provisions of the above-mentioned international human rights instruments, to take immediately every measure to ensure that the charged persons receive a fair trial and to complete the proceedings of their trial in accordance with the accepted principles of the administration of justice;

2. Requests the Secretary-General to transmit, as soon as possible, the present resolution to the Government of Albania.